

# Court of Appeals, State of Michigan

## ORDER

Carlson v Optima Oil Enterprises Inc

Docket No. 279603

LC No. 06-000571-CD

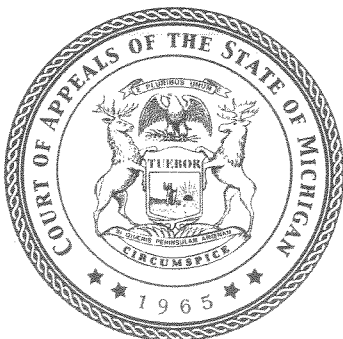
William B. Murphy  
Presiding Judge

Kathleen Jansen

Donald S. Owens  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. The Court finds that the complaint in this matter does not make a specific statutory request for attorney fees under the Michigan Whistleblowers Protection Act as alleged in paragraph 7 by appellants in this motion for reconsideration. Nowhere in Count, I paragraphs 18 through 27, is there any reference to MCL 15.364 or that plaintiff is entitled to attorney fees under the Whistleblowers Protection Act. Instead, there is simply boilerplate language that appears in about every complaint filed, requesting attorney fees for all three counts that were alleged in the complaint. Next, the plaintiff and the trial court recognized that attorney fees were not part of the cause of action because a specific motion was filed by plaintiff only after the jury returned a favorable verdict and the trial court specifically indicated in the June 8, 2007, judgment that "This judgment resolves the last pending claim." Last, a reading of MCL 15.364 demonstrates that a request for attorney fees is separate from the judgment. What is included in the judgment is set forth in the first sentence. A request for discretionary attorney fees is set forth in the second sentence of MCL 15.364.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 16 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk